

REMARKS

This Reply is in response to the Office Action mailed on December 8, 2006 in which claims 3, 5 and 37-39 were withdrawn; in which claims 9-17, 19-21 and 29 were objected to and in which claims 1, 2, 4, 6-8, 18, 22-28, 30-36 and 40-43 were rejected. With this response, claims 29 and 37-39 are canceled; claims 1, 32 and 40-43 are amended; and claimed 44-46 are added. Claims 1-2, 4, 6-28, 30-36 and 40-46 are presented for reconsideration and allowance. Reinstatement of claims 3 and 5 which depend from claim 1 is also requested.

I. Examiner Interview Summary

On March 7, 2007, a telephonic interview was held between Examiner Lebron and Applicant's attorney, Todd A. Rathe. The rejection of the claims was discussed. Applicants indicated a willingness to man each of the independent claims to add the limitation act the diagnostic image and the reference image at least partially overlap. Applicants which a tank Examiner Lebron for the opportunity to discuss the rejections.

II. Rejection of claims 1, 2, 4, 6-8, 18, 22-28, 30-36 and 40-43 under 35 USC 102(e) based upon Ryan

Section 4 of the Office Action rejected claims 1, 2, 4, 6-8, 18, 22-28, 30-36 and 40-43 under 35 USC 102(e) as being anticipated by Ryan et al. US Patent 6,832,825. Claims 1, 2, 4, 6-8, 18, 22-28, 30-36 and 40-43, as amended, overcome the rejection based upon Ryan.

Section 10 of the Office Action indicated that claim 29 would be allowable if rewritten in independent form to include all of the limitations of the bass claim and any intervening claims. In response, claim 29 is canceled with its limitations incorporated into bass claim 1. Thus, claim number one, as amended to overcome the rejection based upon Ryan. Claims 2, 4, 6-8, 18, 22-28 and 30-31 depend from claim 1 and overcome the rejection for the same reasons.

Former claim 29 recited that the reference image and the diagnostic image at least partially overlap. Section 10 of the Office Action acknowledged that this limitation has not been taught, found or suggested by the prior art. In response, each of the remaining independent claims 32 and 40-43 are also amended to recite that the reference image and the diagnostic image at least partially overlap. Accordingly, claims 32 and 40-43, as amended, are believed to overcome the rejection based upon Ryan. Claims 33-36 to 10 from claim 32 and overcome the rejection for the same reasons.

III. Added Claims

With this response, claims 44-46 are added. Claims 44-46 to 10 from claims 1, 32 and 42, respectively, and recite that the reference image and the diagnostic image are a same color. The prior art of records fail to disclose the limitations of claims 1, 32 and 42. The prior art to record fails to disclose the additional limitation set forth in added claims 44-46. Accordingly, claims 44-46 are presented for consideration and allowance.

IV. Conclusion

Claims 1-2, 4, 6-28, 30-36 and 40-46 are presented for reconsideration and allowance. Reinstatement of claims 3 and 5 which depend from claim 1 is also requested.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even

entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

Date March 8, 2007

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